

## **REMARKS**

Claims 26-38 are pending in the application. Claims 26 and 35 are amended above to overcome the examiner's objection to certain claim language. No new matter has been added to the application by way of these claim amendments.

The examiner's claim objections and rejections are overcome or traversed as set forth below.

### **I. THE SECTION 112, 2<sup>nd</sup> PARAGRAPH CLAIM REJECTION**

The examiner rejected claims 26-38 under 35 USC 112, 2<sup>nd</sup> Paragraph for being indefinite.

The examiner's rejections have been overcome as follows:

- The objection to claim 26 has been overcome by amending claim 26 above to provide antecedent basis for the objection claim terms and/or to clarify the claimed invention.
- The objection to claim 35 has been overcome by amending claim 35 above to provide antecedent basis for the objectionable claim terms.

### **II. THE ANTICIPATION REJECTION**

The examiner has maintained the rejection of claims 26-38 for being anticipated by Coleman et al. (USP 5,844,620).

Presently pending and amended claims 26-38 are not anticipated by Coleman et al. (US patent 5,844,620). Specifically, the ordering of phases in Coleman et al. is different from the ordering of phases in the claimed invention. For at least this reason, Coleman et al. does not anticipate the inventions of claims 26-38.

Coleman et al. does not disclose the same ordering of phases as in the claimed invention. In Coleman et al.:

- The first phase of Coleman et al.: IPG data is input to an IPG data processor via an operator interface, comprising typically a workstation with a keyboard or other input means. (Coleman et al. Col. 6, lines 17-23). This is identical to entering TV program listings to newspapers.

- The second phase of Coleman et al.: IPG data (i.e., the manually entered selection menu) is packetized and input to a multiplexer together with data packet streams (programs) from N different services.
- The third phase of Coleman et al.: The program multiplex, including integrally multiplexed IPG data, is transmitted to the customer terminals via a communication network (Coleman et al. Col. 6, lines 2-14).

In the presently claimed invention, the order of phases is different. The order is as follows:

- In the first phase: a plurality of service data are multiplexed in a frame format for service transmission, whereby identification and control data of the services are located in at least one frame of the multiplexed frames.
- In the second phase: the selection data for the selection of the service (i.e. the selection menu or the EPG) is formed on the basis of the identification and control data located in the service multiplex.
- In the third phase: the selection data based on the identification and control data (i.e., the selection menu or the EPG) is transmitted separately, without the actual service data of the service multiplex, to the customer terminal for displaying the selection data.

In the first and second phase of the present invention, it is evident that the program multiplex, particularly the control and identification data of said multiplex, is utilized when forming the selection menu. In the third phase, the selection menu can be transmitted to the customer terminal as such, via the same broadcast network via which the service multiplex is transmitted or it can be transmitted via some other network, for example via Internet.

Coleman et al. does not disclose a selection menu which is formed on the basis of identification and control data of the program multiplex. This lack of teaching of Coleman et al. is emphasized by the fact that the examiner has not identified any passages from the Coleman et al. description of this feature of the claimed invention. Instead, the examiner has taken the position that the IPG packet data of Coleman et al. is the same as the identification and control data by referring to the identification and control data in parenthesis in the Official Action. As explained above, the IPG packet data of Coleman et al. is not the same as the claimed

identification and control data. For at least these reasons, pending claims 26-38 cannot be anticipated by Coleman et al.

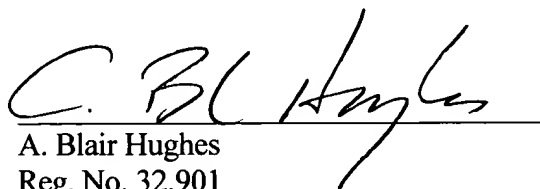
### **CONCLUSION**

In view of the drawing and claim amends above, and further in view of the statements in favor of patentability presented above it is believed that pending claims 26-38 of this application are allowable. Favorable reconsideration and allowance of the pending application claims is, therefore, courteously solicited.

Respectfully submitted,

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